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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,605	12/12/2001	Robert J. Delaney	1322/63/2	7212

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EXAMINER

TIEU, BINH KIEN

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/021,605	<b>Applicant(s)</b> DELANEY ET AL.	
	<b>Examiner</b> BINH K. TIEU	<b>Art Unit</b> 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-21 is/are allowed.
- 6) ☒ Claim(s) 1-17 and 22-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/2/04, 8/5/02</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 41-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Nolting et al. (U.S. Pat. #: 6,721,405).

Regarding claim 41, Nolting et al. ("Nolting") teaches a peg count collection system, as shown in figure 2, comprising:

- (a) a signaling gateway (i.e., STPs 21 and 23) including first internal processing modules for generating peg count information based on received or processed signaling messages (i.e., including monitors 31 and card cages 33; col.15, lines 53-65) and a second internal processing, lines module for polling the first internal processing modules to obtain the peg count information (i.e., including site processor for polling MTU messages; col.16, lines 18-44) and for forwarding the peg count information to an external device via a TCP/IP connection (i.e., forwarding to OLAP 80 as shown in figure 1 and/or forwarding to system server 39 as shown in figure 2; col.19, lines 21-31); and
- (b) a general purpose computing platform (i.e., user terminal 9 as shown in figure 1) external to the signaling gateway for receiving the peg count information via the TCP/IP

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connection and for processing the peg count information (col.10, lines 23-64 and col.24, line 61 through col.25, line 8).

Regarding claims 42-44, note col.25, lines 10-56.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-17 and 22-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nolting et al. (U.S. Pat. #: 6,721,405) in view of Torrey et al. (U.S. Pat. #: 6,560,226).

Regarding claims 1 and 22, Nolting teaches a method for generating and accessing usage measurements data associated with signaling messages routed or processed by a routing node in a communications network, the method comprising:

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- (a) receiving, at a routing node, a signaling message (i.e., receiving at STPs 21 and/or 23 signaling messages such as MSU messages; col.15, lines 31-34);
- (b) generating first peg count information on the routing node based on information contained within the signal message (i.e., generating call details records, col.9, line 58 – col.10, line 5);
- (c) polling the first peg count information (i.e., site processor 35, as shown in figure 2, polling the card cages 33 for signaling message set and reassembling for a desired transaction, col.16, lines 18-21 and lines 34-44);
- (d) in response to polling, sending the first peg count information to a usage measurements module (UMM) (i.e., OLAP 80 instructing the site processor to capture messages of interest, col.19, lines 21-31); and
- (e) communicating the first peg count information to an external application located on a generated-purpose computing platform via an IP communication link (i.e., communicating the captured messages and/or results to from the OLAP 80 to user terminal 9 as shown in figure 1, col.17, lines 20-28 and col.24, line 81 through col.25, line 31).

It should be noticed that Nolting teaches card cages 33 storing signaling messages. Nolting fails to clearly teach the routing node such as STPs 21 and 23 having a communication link module (CLM) storing first peg count information generated by the routing node. However, Torrey et al. (“Torrey”) teaches call routing system 104 operable as a routing node as shown in figure 1 (col.7, lines 44-49) comprising the Cache 108 for storing and updating peg count information (col.13, lines 8-13) for accounting and maintenances purposes.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of call routing system 104 with said Cache 108 as a routing node with signaling message storage, as taught by Torrey, into view of Nolting in order to save significant time and processing resources.

Regarding claims 2 and 3, Torrey further teaches limitations of the claim in col.12, lines 17-30.

Regarding claim 4, Torrey further teaches limitations of the claim in col.36, lines 35-41.

Regarding claim 5, Torrey further teaches limitations of the claim in col.8, lines 26-30.

Regarding claims 6-12, Nolting further teaches limitations of the claims in col.10, line 53 through col.11, line 20.

Regarding claims 13-14 and 17, Nolting further teaches limitations of the claims in col.14, line 18 – col.15, line 34.

Regarding claims 15 and 16, Torrey further teaches limitations of the claims in col.7, line 66 through col.8, line 39.

Regarding claim 23, Torrey further teaches limitations of the claim in col.7, lines 50-65.

Regarding claim 24, Torrey further teaches limitations of the claim in col.36, lines 35-41.

Regarding claim 25, Torrey further teaches limitations of the claim in col.8, lines 26-30.

Regarding claims 26-32, Nolting further teaches limitations of the claims in col.10, line 53 through col.11, line 20.

Regarding claims 33-35, Nolting further teaches limitations of the claims in col.14, line 18 – col.15, line 34.

Regarding claim 36, Nolting further teaches limitations of the claim in 10, lines 53-64.

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Regarding claims 37-40, Nolting further teaches limitations of the claims in 17, lines 20-38.

***Allowable Subject Matter***

5. Claims 18-21 are allowed.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Morikawa (U.S. Pat. #: 5,867,565) teaches a routing node such as switching service node (SSN) 10, as shown in figure 1, having internal processing modules for processing traffic data.

Shenoda et al. (U.S. Pat. #: 6,389,130) teaches a routing node such as Multi-Purpose Switch 620 and 650, as shown in figure 5, each has internal processing modules for processing SS7 signal messages.

O'Reilly et al. (U.S. Pat. #: 5,825,769) teaches a system and method of providing statistic call traffic based on peg count derived from signaling messages.

Montgomery et al. (U.S. Pat. #: 5,854,835) teaches a routing node such as Telco End Office having a processor and storage for storing peg count derived from signaling messages.

Gottlieb et al. (U.S. Pat. #: 5,854,834) teaches a network information concentrator that received all signaling messages and generating peg count from the received signaling messages for purpose of call traffic analysis.

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Swanson (U.S. Pat. #: 5,867,558) teaches an interface unit 170 connected to a routing node for remote collection of signaling messages for routing analysis and trouble detection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: [BINH.TIEU@USPTO.GOV](mailto:BINH.TIEU@USPTO.GOV).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.**

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**BINH TIEU**  
**PRIMARY EXAMINER**

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Date: August 01, 2005